

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Create a Family Ombudsman in the Judicial Branch and the Department of Corrections**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 4 MRSA §17, sub-§16**, as amended by PL 1993, c. 675, Pt. C, §8, is further amended to read:

**16. Report on out-of-state travel.** Submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Judicial Department. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; and

**Sec. 2. 4 MRSA §17, sub-§17, ¶C**, as enacted by PL 1993, c. 675, Pt. C, §9, is amended to read:

C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator; and

**Sec. 3. 4 MRSA §17, sub-§18** is enacted to read:

**18. Appoint a family ombudsman.** Appoint a member of Judicial Department personnel as a family ombudsman, referred to in this section as "the ombudsman," to serve as an intermediary between the court system and the accused and their families. The ombudsman shall:

A. Respond to requests for information and assistance from the accused and their families;

B. Subject to other provisions of law governing its availability, provide information requested by the accused and their families when information cannot be or is not provided by court personnel or judges;

C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel;

D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and

E. Perform the duties of ombudsman in an unbiased manner.

**Sec. 4. 34-A MRSA §1214-A** is enacted to read:

### **§ 1214-A. Family ombudsman**

**1. Establishment.** The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between prisoners and their families and the department.

**2. Appointment.** The commissioner shall appoint the family ombudsman, referred to in this section as "the ombudsman," as provided in section 1403, subsection 2.

**3. Duties.** The ombudsman shall respond to requests for information and assistance from prisoners and their families and shall:

A. Subject to other provisions of law governing its availability, provide information requested by prisoners and their families when the information cannot be or is not provided by prison officials;

B. Serve as an intermediary between prisoners and prison officials, and between the families of prisoners and prison officials, with respect to complaints and information requests affecting those families or prisoners that cannot be resolved with prison officials;

C. Act as an information source regarding the rights of prisoners and their families;

D. Immediately report to the commissioner or an associate commissioner when a prisoner or the family of a prisoner reports abuse or neglect of the prisoner resulting in harm to the prisoner.

The ombudsman shall perform the duties of the position in an unbiased manner.

**4. Volunteer program.** The ombudsman shall establish a volunteer program and shall select volunteers to assist in carrying out the responsibilities under this section.

**Sec. 5. 34-A MRSA §1403, sub-§2, ¶D** is enacted to read:

D. The commissioner shall appoint a member of department personnel as the family ombudsman to perform the duties set forth in section 1214-A.

## SUMMARY

This bill creates a family ombudsman in both the court system and the Department of Corrections. The bill:

1. Directs the State Court Administrator to appoint a member of court system personnel as the family ombudsman for the court system to act as an intermediary between the accused and their families and court officials; and

2. Directs the Commissioner of Corrections to appoint a member of the department as the family ombudsman for the corrections system to act as an intermediary among prisoners, their families and the Department of Corrections.